

Calaveras County District Three – The Return of the Queen?

May 16, 2018

(updated for clarity & typos – May 17, 2018)

If a humble hobbit from Middle Earth found their way to Ebbetts Pass in Calaveras County and turned their humble thoughts to Calaveras County District Three politics, what would they be thinking?

Suppose they've studied up. Read the literature, looked at video. Might not their first reaction be, "how the hell did Merita lose last time?"

Introduction

Voter registration statistics for 2014 and 2018 don't show a lot of changes to party preference:

District Three	Total Reg.	Dem.	Rep	AIP	No Party Preference
2014	6210	35.2%	38.7%	3.9%	19.0%
2018	5984	35.0%	38.0%	3.9%	19.9%

The race for Supervisor in Calaveras County's District Three reflects a new theme in Calaveras politics – the re-match (In District One, current incumbent Gary Tofanelli and former Supervisor Cliff Edson have faced off three times in three straight elections, and so far, the score is Tofanelli 2, Edson 1 – and many suspect this could turn into a best-of-five series).

In 2014 Michel Oliveira defeated long-time incumbent Merita Callaway by 61 votes. Oliveira benefitted from an apparent modest turnout of first-time voters in two specific precincts in Arnold. But he also benefitted from an opponent who perhaps just couldn't bring herself to take him seriously.

Michael Oliveira, Incumbent

Here are the credentials Oliveira brought to the 2014 election, taken from his website at the time.

- He joined the United States Marine Corps in 1969 serving "during the Vietnam era."
- He Joined the San Leandro Police Department as a reserve officer in 1973. In 1974 he joined the Oakland Police Department, retiring in 1988 after 14 years.
- He attended the Northwestern University Traffic Institute - Evanston Illinois, Accident Reconstruction Program becoming a certified Accident Reconstructionist in 1991. He then established a professional consulting business in accident reconstruction for the insurance and law enforcement industry in 1992.
- After stints as a "lead investigator and case evaluation manager" for Hawkins, Blick and Fitzpatrick in San Jose, and as Corporate Safety Director for DeSilva-Gates Construction, he established Forensic Consultant Services serving the insurance and legal industry, and then he established Coastal Motor Escorts, LLC, providing professional motorcycle traffic and pedestrian control safety for the funeral industry and special events.
- He joined the Calaveras County Sheriff's Department as an Extra-Hire Deputy in 2007.
- Finally, he is the Founder and President of Visual Forensic Analysis, Incorporated 2011
- Supervisor Oliveira is married and has two children. He enjoys motorcycling.

Oliveira in 2014 ran on the following issues in the following order:

1. Business Community (*he supported the business community because it's important*)
2. Building Industry: (*he said regulations were driving builders away*)
3. Retirement Community Welfare: (*hard to say ... see for yourself:*)
“Our District is unique. Our retired residents have chosen Calaveras County for their retirement homes. It is imperative that we provide for their welfare, safety, and needed services to the best of our ability.”)
4. Youth Opportunities: (*youth need opportunities, specifically to ride off-road vehicles on public lands*)
5. Crime in District 3: (*crime is going up, Up, UP!*)
6. The New Jail and Courthouse: (*not enough money to fill it up*)
7. Tourism: (*the problem is you can't rely on it*)
8. General Plan Update: (*don't take away my Property Rights!*)
9. County Budget: (*wants to go over it "line-by-line"*)

Four years later, running as an incumbent, the list has changed.

In 2018, Michael Oliveira is running on an updated set of issues. They are listed here in order and, in reduced type, repeated verbatim from Oliveira's website.

Public Safety (he's for it, definitely)

Providing a safe place for residents to live by supporting law enforcement and fire prevention/protection has been my main goal as a law enforcement officer and as a Supervisor for Calaveras County. During my first term it has been my priority to increase our law enforcement, after being drastically reduced in prior years due to economic budget-cutting. We have made progress by increasing our law enforcement resources and this will continue to be my goal for my next term of office.

A main concern of mine has been the inability to provide adequate fire protection for Calaveras County as a whole. I appreciate, as do many citizens in District 3, the Ebbetts Pass Fire District's performance and staffing. This is largely due to a District 3 voter initiative to finance the Ebbetts Past Fire District by special tax assessment. I was disappointed in the inability of other fire districts to pass such a measure although efforts have been made in the last 2 to 3 years to do so. I am in the process of seeking other funding avenues to support our fire protection and prevention services for Calaveras County. These efforts include supporting special tax assessments for the other fire districts and supplemental revenue from our tourist occupancy tax program. I am currently engaged in bringing this funding to the ballot in June.

Marijuana (commercial) (he's mostly against it, but then again, *maybe not*)

Calaveras County has experienced the cultivation of marijuana for the past 30+ years despite laws prohibiting such activity on the federal, state and local levels. Times have changed for Calaveras County. During my first term of office the issue was brought to a local level by state lawmakers who had passed statutes regarding medical marijuana. After suffering the loss of rural countryside in District 4 due to Butte fire, the cultivation of marijuana became a dominating issue in Calaveras County. The Board of Supervisors in 2015, which I was a member of, elected to adopt an emergency ordinance to control what gave the appearance of a land rush to convert these areas to a marijuana cultivation resource.

Of the five members of the then Board of Supervisors, I was the only dissenting vote for the acceptance of the emergency ordinance, due to what I perceived to be the inability for local enforcement by our law enforcement and code enforcement resources.

Unexpectedly, the marijuana cultivation issue got out of hand immediately with a record number of cultivation applications (exceeding 700) turned in to our planning department within days. Since that time, Calaveras County has been playing second fiddle to any type of selective accurate enforcement, and has suffered not only economically, but effectively has reduced the County's ability to conduct day to day

business to the various departments within the County.

After a new board had been seated with 4 of the 5 seats replaced, and by ballot measures in the November election of 2016, we now have a marijuana cultivation ban currently in place. My personal position on marijuana cultivation has been and will be one of prohibition other than medical marijuana allowed by state law. But my personal position must be set aside and I must deal with the current issues.

A priority at this time is whether or not a ban can be effectively enforced with the present financial stream. More importantly, if a regulated ordinance were to be enacted, a major concern will also be the financing stream to provide effective enforcement.

During the last 12 months I have attempted to bring this very important issue to the ballot for a vote of the people in the attempt to have their voices heard. There may have been a time where 5 members of the Board of Supervisors could have made effective decisions regarding this issue but I feel that that time has passed. This issue must be decided by the people via ballot for the good and welfare of the county and the people that reside there.

Tree Mortality (he's against it and thinks something should be done)

In early 2015 blight was discovered by the dying of fir and pine trees in the rural mountain areas of Central California. Although present in many counties in the mountain regions, 6 counties noticed an extraordinary dying off of the species of trees which was attributed to a bark beetle problem. The bark beetle problem was exacerbated by 5 years of drought causing the trees to lose a portion of their natural defenses for this insect, thus making more trees susceptible to this insect invasion.

Calaveras County was one of those counties affected by this bark beetle invasion and the inherent circumstances, which led to the dying of these species of trees. This became such a problem after hundreds of thousands of trees suddenly died in the California area, specifically in the rural mountain communities, that a governor's task force regarding tree mortality was formed. In 2016 Calaveras County was named as one of 10 high risk counties infected by this bark beetle problem.

The rapid dying of these trees presented a real risk of fire danger, and an immediate action to prevent these fires was required. The Governor's task force dealing with tree mortality was formed with all concerned agencies of the federal, state and local governments to design and execute plans to reduce the fire danger and rejuvenate our forests.

Under the leadership and guidance of Cal Fire, plans and financing were developed to reduce the fire danger and protect the remaining unaffected trees. These involved removing trees from our national forests, our state rightaways, highways and our local county roads, but these arrangements could not address our private owned properties experiencing this problem.

After 2 years, grants became available to address this problem on privately owned lands under several financing organizations such as California Disaster Assistance Agency and other such entities. This is a continuing effort to seek relief from our private land owners who have suffered the exorbitant cost of tree removal for fire prevention.

This is a continuing effort due to the fact that weather conditions and moisture situations in our rural mountain areas could reintroduce conditions susceptible to the bark beetle invasion once again. I continue to sit on the Governor's Task Force and the Local Tree Mortality Task Force Committee for Calaveras County.

General Plan Update (he thinks it's taking a long time, but it should be all wrapped up this year)

General plan for Calaveras County has been in the update process for many years. After the expenditure of thousands of dollars for consultant work regarding the general plan update, we had no progress when I took office in January 2015. Through the efforts of a new planning commission, a general plan draft has been constructed and is due to be presented to the Board of Supervisors by March 2018. This project could have been accomplished at an earlier date but was delayed due to the complex and engaging issue of marijuana cultivation in Calaveras County. I have reviewed the draft of the general plan and agree with the contents. I look forward to a complete and extensive review by the Board of Supervisors during 2018.

Issues of concern involve the simplification of the general plan and removal of plan development in the Arnold and Avery areas, with a close examination of the communities in District 3 and the entire County of

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Calaveras. The general plan is a controlling document for a variety of issues involving the economy, prosperity, and quality of life for Calaveras County. The completion of the general plan update is a priority goal I have for 2018.

Infrastructure (it needs improving, definitely)

In January 2017 Calaveras County experienced severe storm damage by flooding due to a tremendous storm system that came in waves within 10 days of each other. This event caused 40 major incidents of road and culvert damage along with landslides and other storm related damage. Communities were severely impacted regarding egress and ingress to their homes and businesses.

In the aftermath of the Butte Fire specifically in District 2 (West Point Mountain Ranch areas) our road infrastructure was already severely damaged by the fire and the resulting activity and restoration. Add to that damage a deteriorating road infrastructure due to 15 years plus of budget reduction and unavailable resources to maintain our roadways and prevent replacement or new construction of the required roads. This storm damage combined with our existing deteriorating conditions has placed Calaveras County in a very severe deficit situation for our roadways. I have and will maintain this as a priority. I will seek immediate remedies for fixing our infrastructure, even with large hurdles in the financing of these much-needed projects. I will continue to sit on national and local boards dealing with our federal and state resources to fix our roads. This is a priority that I am deeply engaged in on federal, state and local levels.

Youth and Career (those kids who want to stay in the County need jobs)

Prior to taking office, an age-old problem in our county existed and still exists. This involves the opportunities for the youth of Calaveras County for further education. With the economic conditions and lack of beneficial commerce, the future for our graduating youth is bleak at best. Those young people that have the opportunity to seek higher education by going away to college will most likely reside in those areas of economic benefit and return to Calaveras County after establishing their careers or retirement.

I see a need for the youth who does not desire or have the capabilities of continuing to a higher education facility to learn and acquire the skills or trades so they can make a sustainable attempt at a good life economically. Having that in mind I have joined forces within the county and the educational system. There are plans to develop a continuing technical education program starting in the high schools and continuing through young adult life. There will be an opportunity to acquire those skills in a variety of trade occupations. These occupations include carpentry, machine operation, the medical field, marketing and sales along with other occupations related to the trades. I will continue to make this program a priority during the next 4 years.

Tourism (Alert! Alert! Policy proposal! Since previous anti-growth policies have left only tourism to support the economy, **he wants to raise the TOT to 12%**, and spend it on “public safety, fire districts, public works, road infrastructure, and, last but certainly not least, the Visitor’s Bureau)

During the past 15 to 20 years, Calaveras County has missed opportunities to improve the economy by not allowing larger based commerce projects to exist. Unfortunately our surrounding counties have taken advantage of these opportunities thereby increasing their economy, population and prosperity. Not having these opportunities in Calaveras County has resulted in tourism being our main revenue generated by District 3. District 3 has noticed an upswing in startup businesses during the last 3 years but unfortunately has seen some of those businesses fail and close for a variety of reasons.

One of the revenue streams driven by the tourism industry is the Transit Occupancy Tax normally called the TOT. This tax is levied on the traveling or visiting tourists when they stay in facilities as temporary lodging. This is a common revenue stream in most cities and counties throughout the nation. This is not a tax imposed on the permanent residents of the county. Visitors pay this tax as part of their lodging fee when they stay at hotels, motels or vacation facilities for a short period of time. Currently the TOT rate is 6% of the lodging fee.

The surrounding counties and cities throughout California have a TOT rate of a minimum of 10% with most urban and suburban areas exceeding 15 to 18%. A TOT tax is a designated tax for agencies within the county of Calaveras. Currently those agencies are Public Safety, Public Works and the Visitors Bureau.

Starting this year I will be involved with Supervisor Clapp to head a committee to investigate and produce

a ballot measure to increase the TOT rate to 10 to 12% for Calaveras County. This will include a designated revenue stream for Public Safety, Fire Districts, Public Works, road infrastructure and the Visitors Bureau. Hopefully this will be in a ballot measure to be voted on by the people of Calaveras County in the 2018 June election.

It is interesting to note the differences between 2014 and 2018.

Up from fifth place to number one is Public Safety. Gone from the list in 2018 are “business community,” “builders,” and “the retirement community.” Forcing their way onto the list are “commercial marijuana,” “infrastructure,” and “tree mortality.”

In all of this, with very few exceptions, whether in 2014 or 2018, Oliveira is content to explain the problem, declare it one of his priorities, and move on. He is not exactly bubbling over with policy suggestions or ideas on what actually to do about the issues he raises.

The one obvious exception to this approach is, curiously, the very last thing on his list – raising the Transient Occupancy Tax to 10 or 12 percent from the current 6%. As many political observers know, raising the TOT has been tried several times and has been rejected by the voters each time. Hope springs eternal.

Merita Callaway, Challenger

It’s worth noting that former Supervisor Callaway seems to have achieved that rare distinction in our culture – she is a First Name. When discussing the Callaway campaign, nearly everybody refers to her as just ‘Merita.’ Like “Elvis,” “Prince,” or “Madonna,” it is not necessary to say, or even know, the last name. In Calaveras County, there is only one “Merita.”

Here is Merita Callaway’s political history in District Three:

1992 Elected during recall election (Mike McCray)

1994 Re-elected, before runneth the memory of on-line County Elections Dept. records

1998 Re-elected, before runneth the memory of on-line County Elections Dept. records

2002 Re-elected with 67% of votes; defeated Jim Willis (16%) and Martin Price (19%)

2006 Re-elected with 56% of votes; defeated Jake Wallace (5%) and Travis Lauterbach (38%)

2010 Re-elected with 51% of votes; defeated Mary Boblet (6%) and Bill McManus (43%)

2014 Defeated by Michael Oliveira, 51% to 49% (a margin of 66 votes out of 2,574 cast)

2018 Challenging Oliveira

This is a long career – altogether she has been active in Calaveras politics for some *twenty-seven years*.

Only former Angels Camp-based Supervisor Tom Tryon has a longer record as a Calaveras supervisor than Merita, and if she re-gains her seat this year she will have a chance to exceed his 28 year career as Supervisor.

As can be seen from the list of results in the District, at least since the 2002 election, Merita was re-elected with steadily declining margins of victory.

Before losing in the 2014 General Election by 61 votes, Merita was first in the Primary, but received only 39% to Oliveira’s 33% and Borean’s 28%

It is nearly impossible to explain the steadily narrowing margin of victory over the years – a number of factors were likely involved, including a steady building up of multiple pressures on the County and the Tea Party phenomenon. And Merita seemed to increasingly give the impression that she did not feel like working all that hard to get herself re-elected.

Indeed, especially early on, Merita distinguished herself by winning elections seemingly without hardly trying, featuring home-painted signs, barely any advertising, and never any direct mail. Merita never had to raise all that much money, either. But whatever she did, it was always enough – and early on more than enough, to send her back to one of the Big Five Chairs in San Andreas.

So then, what happened in 2014? It is arguable that Oliveira was a stronger opponent than the others – but that’s impossible to really know. His campaign was not necessarily noteworthy except for his use of social media.

The 2014 General Election featured the Governor’s race between Jerry Brown and Neal Kashkari. And of course, Merita Callaway was trying to win her seventh consecutive election for Supervisor. For the first time, the friendly town of Murphys was in her district.

Here are the precinct results from District 3 for those candidates in the 2014 General Election including, for comparison purposes, the race for Insurance Commissioner between Democrat Jones and Republican Gaines:

2014 General Election - District 3

D3	Brown		Kashkari		Jones		Gaines		Callaway		Oliveira	
310 Arnold West	362	55%	299	45%	315	50%	311	50%	264	41%	382	59%
320 Central Arnold	252	49%	266	51%	217	44%	274	56%	210	41%	299	59%
333 Arnold East	327	57%	242	43%	286	52%	261	48%	266	48%	289	52%
350 Forest Meadows	416	52%	377	48%	345	46%	406	54%	429	56%	337	44%
360 Murphys West	349	52%	320	48%	295	46%	341	54%	345	53%	302	47%
370 Murphys East	268	48%	294	52%	244	45%	293	55%	287	53%	258	47%
Totals District 3	1,974	52.3%	1,798	47.7%	1,702	47.4%	1,886	52.6%	1801	49.1%	1867	50.9%

From the 2014 General Election results in D3 a couple of items really stand out:

1. Merita drastically underperformed in the precincts called Arnold West (310) and Central Arnold (320).
2. Merita, a Democrat, got more votes than Jones, another Democrat, everywhere except Arnold, where Jones got 818 to Merita’s 740.
3. In just Arnold West (310), Jerry Brown received 98 more votes than Merita and Jones 51 more votes. In contrast, in Murphys Merita ran even with Brown and exceeded Jones’s vote handily.

4. Brown beat Callaway by 173 votes in all of District 3.

What this proves is nothing, except that Oliveira won the election. But it suggests that Merita may be correct when she says her two previous controversial but unsurprising decisions tangentially involving abortion and marijuana (she supported permitting a medicinal marijuana dispensary in Arnold) were decisive in her defeat.

Indeed, who would have ever thought that the same precinct (Arnold West 310) would soundly reject Merita and warmly embrace Jerry Brown? The numbers are indeed curious and suggest a more than average turnout of infrequent, issue-driven voters.

However, it must also be said that Merita was not the candidate in 2014 that we see in 2018. Here is a verbatim transcript of her remarks to the Greater Arnold Business Association just before the 2014 election. Merita, in hostile territory, for her must have been very tired after many months of campaigning:

Merita Callaway GABA Candidates Night 10.07.14
Summary of introduction (not recorded) / Transcript (recorded)
(written as spoken) Speech time: 3:45

Merita began by stating she wanted to talk about three topics: budget and finances, land use and constituents' concerns.

(begin transcript) " ... and we did it with a commitment from one of our designated funds.

I have the track record and the past experience on what it is to make the hard, difficult decisions. I am a fiscal conservative and anyone that looks at my record will see that.

Property's been moving; there's been an increase in the value of property which is increased revenue to the county and out of every \$1 you spend on your property taxes, I get 16.7 cents and what do I do with that? I pay for public safety, District Attorney, Probation, the jail, the Sheriff, the Public Defender, the Assessor, the Auditor, the Treasurer. I pay for the Planning Department and Animal Services. I pay for the Grand Jury and now I'm also paying the Elections Department. We're also doing mundane things, like paying for insurance and utilities. So, it's really important you understand the financial impacts of the decisions by the Board of Supervisors.

The second thing is the General Plan: that is the key element for the growth of this county. This month the Planning Commission and the Board of Supervisors will be meeting to discuss the schedule of how we're going to introduce the Draft of the General Plan and it's really important that you look at the General Plan; it will include components of our community plans in that.

The experience I bring in understanding the General Plan is critical and it's also important that you look at the General Plan. The economics of our area is based on a sustainable model. The sustainable model is land use for commercial, industrial, agricultural, residential, mixed use, timber production. These are all part of the things we need to do and decide as a community on the General Plan.

The third component is you and your needs and what it is you want, and I tell you, it varies. Normally, I get a lot of road questions. The road questions these days I am getting are not on county roads but on state roads and why your ice cream is melting while you're waiting in line for traffic to start again; and the fact we want businesses to survive and we want our store fronts filled and we want walking paths and bike paths. We've worked together as a community. I've worked with you individually and collectively on items, be they lights for Highway 4 or the new path we have for Pine Drive to Oak Circle. We have partnerships we've done with the local contractor that paved Oak Circle.

So, we've had a lot of things that are going on that you are part of and we've done together, and I truly would like your vote on November 4 so we can continue to work together. I've kept my commitments to you, I've listened to you and I've worked with you. Thank you."

But all that was then – and this is now.

Today, Merita is online with a series of little speeches that betray none of the irritation and frustration of 2014. Today, Merita is communicating very effectively.

In a series of three little videos, Merita addresses the budget issue without saying much other than she "knows how." Her video on zoning issues in Arnold is more detailed and useful and is topical to an issue brewing in Arnold. But Merita is at her best when she describes how she misses doing constituent services and how she was "honored" to be the D3 Supervisor. This is distinctly different message than what GABA heard in 2014.

But that's not all that's different about this year's Callaway Campaign. Battling through illness she has been extraordinarily active attending local events and hosting her own campaign activities.

And then there's money: Through April 20, Merita, a non-incumbent running in a Supervisorial District, has raised more in monetary contributions (\$19, 439) than any other Calaveras candidate this year, including those running for Sheriff. And every dollar is from an individual – there are no monetary contributions from PACs, or Corporations, or businesses, or anything not a living human being. Oliveira, in contrast, has raised (through April 20) only \$8,125, half of which came from Good Earth Farm LLC.

Raising money can be one thing, spending it wisely is another. Here again things are different. Unlike previous elections, she is employing competent and creative professionals to help with her campaign. Gone are the days when her bright but thirteen-year-old daughter served as campaign manager. Her signs are professional, her media well thought out and distributed liberally.

In short, this is the campaign everybody knew she could run but never did – until now.

Here is Merita's list of issues for this campaign, taken from her website:

FINANCIAL LEADERSHIP

Financial integrity of the County is paramount. Every operation run by the County depends upon a regular infusion of dollars and a solid plan for the management of those dollars. The alternative is a reduction or loss of services that we all depend on. To that end, there are things we need to do and some that we must definitely **NOT** do:

- We must work continuously to balance the needs of the community with the resources available.
- We cannot continue to use one-time funds for ongoing operations or consistently borrow to balance the budget. It is like using your credit card to pay the rent.
- The legal, financial and political aspects of all proposed financing is considered
- There must be a balance of fiscal focus across the justice system: Jail, Sheriff, District Attorney, Probation, and Public Defender. These departments have the largest portion of the General Fund.
- There must be energetic support for State and Federal grant applications.

We need transparency on all budget matters for the benefit of both county staff and the public.

There is some meat on these bones, but it is necessary to listen carefully. Merita says she is opposed to balancing the budget using so-called one-time funds. In fact, these one-time funds are remarkably consistent year by year. And not using them, absent extraordinary income from one year of cannabis taxes, could mean a lean budget for all departments.

We also learn from the above that Merita has taken the opportunity of a four-year layoff from County politics to somewhat re-think her narrative regarding funding the Sheriff's Department. Merita's ongoing difficult relationship with the Sheriff's Department during budget negotiations is well known.

It is, unfortunately, not possible to make a judgement on the merits of the arguments between the Sheriff's Office and Merita over the budget, at least in the decades past. Most agree that today the Sheriff's Department is underfunded – but so is the entire County Government.

Politically speaking, Merita's position is sound enough: she essentially makes the case that funding the Sheriff's Department and underfunding the rest of the criminal justice system is perhaps self-defeating. Note too the difference in this narrative and her remarks regarding funding County government in 2014. Politically speaking this one is far better.

So while Merita still can't bring herself, like many others running for Supervisor, to proclaim herself on the side of law and order, she seems to have at least realized that comparing the importance of libraries to law enforcement is not a politically viable position.

LAND USE LEADERSHIP

By State law, every county must have a General Plan. When the General Plan is approved, hopefully in 2018, the Zoning Codes must be updated to be consistent with the General Plan.

This will be a priority and communities must lead the way in determining local priorities with the General Plan as the guide.

- Zoning codes must be understandable and easy to apply by property owners and developers.
- A system for allowing variances should be flexible with a shorter time line for approval.
- Commercial PD (Planned Development) designation must be modified or applied in the way that the Arnold Community Plan Team envisioned it.
- Many communities in our county have their own community plans; Arnold and Murphys/Douglas Flat are two examples. They must comply with the General Plan and be

reviewed with special attention to the needs of each community. Community identity is important and must be respected and maintained.

- District 3 community plans should be carefully reviewed during zone code update.

When it comes to Land Use Leadership, Merita is in a position to know what it is, and what it isn't.

It was Merita Callaway who said a decade ago "we (meaning herself and her fellow Supervisors) have not accommodated the growth," meaning, the manifestly unmitigated impacts of the developments she voted to approve landed on existing residents.

And while Merita may hope that the General Plan update is "approved" in 2018, this may be wishful thinking. If Merita is successful in returning to her seat on the Supervisors, she will very likely have to be one of the 'approvers,' with all the political risks and headaches that will entail, especially for one who was a Supervisor during previous attempts to update the General Plan.

CANNABIS

History:

In the past Calaveras received grants for the eradication of marijuana. While this was considered a positive effort, it did not achieve its overall goals of making the County a lawful and safer community. A number of grow sites would be eradicated but many more continued to be active. Whether you were "pro" or "con" regarding legalization of Cannabis, the fact remained that the eradication effort was never successful.

Now:

Now that Cannabis is legal statewide, banning its growth and distribution is not practicable or realistic. Failure to develop our own countywide regulations simply takes control of Cannabis out of the hands of residents and encourages the continued illegal operation that most people in Calaveras oppose.

The current Board of Supervisors has voted for a Cannabis ban and is considering two ballot measures in June. One would ban Cannabis and the other would regulate its growth and distribution.

A Regulation Measure that Will Work:

I support a well-constructed Cannabis regulation measure if placed on the June ballot, for these reasons:

- Support strict regulations, as illegal Cannabis farms have a devastating impact on public and private lands.
- Support the continuation of growers' fees to regulate the registered grows.
- The fees pay for the supervising of growers directly and indirectly by Code Compliance, Sheriff, and the Planning Department.
- Growers must adhere to current and future environmental regulations, including the Water Quality Control Board rules.
- Require a Conditional Use Permit for business, such as lab testing and manufacturing.
- Growers must abide by State regulations on use of pesticides and fertilizers.

- The County will know who registered growers and their location are. Without that legal structure, “outlaw” growers will continue their operations back in the woods, hiding from law enforcement, stealing water, polluting the environment, and threatening public safety.
- The registered growers pay for their monitoring with the annual fee, add to the County’s revenue through their taxes, and have contributed to the local economy with purchases of goods and services and hiring local

This would seem to be Merita’s clearest, most developed, and most straightforward policy proposal. Merita makes the case for regulating commercial marijuana as well as anyone running for office this election. It certainly would seem to be a clearer position than Oliveira’s (see above). Whether it works politically is the question.

It is interesting to note that Merita did not support her position for regulation by pointing out the near windfall amount of taxes collected in just the one year prior to the ban. Regardless of whether the County can continue to limp along without Cannabis taxes, a case could be made that the money could do a lot of good things in Calaveras County. You want more books in libraries? More deputies? More fire trucks, better roads, safe bridges, and support services for the poor, the sick, and the elderly? This would seem to be an obvious argument to make for a candidate so otherwise firmly committed to running on her support for regulation, especially if the County should never use the “one-time” funds to regularly balance the budget.

These criticisms aside, clearly Merita’s issues narrative is politically superior to Oliveira’s. It is shorter, more topical, and in the issue of regulating commercial marijuana far clearer and compelling. No one, neither supporters nor opponents of regulating commercial marijuana can complain they don’t know where she stands on the issue. The same cannot be said of the incumbent.

Ed (call me Ed) Langan: Challenger

There is a third candidate in the race – Ed Langan. Ed Langan seems to want to be called Ed. His logo is a big Ed and a little Langan, and he refers to himself often as “Ed” not “I” in his campaign literature. We cannot oblige him here. Maybe when he’s spent 25 years as a Supervisor he will rank first-name status.

Langan is a self-described “retired business marketing professional” rumored to be the political guru behind District Four Supervisor Dennis Mills’ successful election in D4 two years ago.

Perhaps sensing that he cannot afford to run on name-recognition alone or rely on the traditional issues and banal narrative at which Oliveira excels, Langan’s campaign has been a veritable geyser of new-sounding themes and nuanced tone. Indeed, Langan’s narrative is a curiously refreshing eclectic admixture of political rhetoric. There are even a couple of policy ideas – although these tend more to evoke patient smiles than appreciation.

But he has one policy proposal that is not so naïve.

Issue One:

I Stand for Law & Order and Safe Communities

You have my commitment to find the necessary funding for the sheriff to offer our communities better response times by hiring additional deputies and staff. Nothing great can happen here without first prioritizing and achieving public safety!

No pussy-footing around here. Langan is prepared to give the Sheriff what he asks for. Earlier versions of this paragraph placed some conditionality on this budgetary promise, but it was not based on metrics.

Issue Two

I Support the Supervisors' Ban on Commercial Cannabis

We clearly need to come up for air after operating under the shortsighted Urgency Ordinance since May of 2016. It has now been profoundly proven, that we are not prepared or capable of regulating this Industry. The UO overwhelmed us, resulting in disruption in our county offices, and chaos in our communities.

Langan supports the Ban. But he offers no justification for it. He says it has been “profoundly proven that “we” (supposedly County government) cannot effectively regulate commercial marijuana.”

Issue Three

I Will Work to Create Greater Efficiencies in County Government

Our county is in a far better fiscal position than most rural counties our size. We currently operate with a \$150 million dollar budget, and hold similar funds in managed investments and reserves. Calaveras County carries a AA bond rating. This is good, but we can improve.

I will work to improve this rating by creating more efficient monitoring of our many income streams. Many of these funding streams require performance and time line achievements, or we risk losing the funding. We can also become more efficient in delivering the services county government provides. We need to clearly identify project priorities, and time lines -- accelerating the projects where public health and safety are a major concern.

Perhaps to try and mitigate the gaping hole in his position on commercial marijuana, Langan here simply declares Calaveras finances to be in fine shape and then starts talking about, of all things, the County's Bond rating. He promises he can make government more efficient with the use of timelines.

Issue Four

Growing Revenue Through Tourism and Establishing a Business Friendly County

Tourism works well with our lifestyle. We understand it, and we know how to measure it! We also have the entities in place working to promote it! Our natural resources, beautiful scenic vistas, rich history and character, are what attracts tourism. That's our draw, that's our edge, and that creates a destination!

Tourism brings a wide range of folks to our county. Some like-minded folks fall in love with our lifestyle, and end up buying or building homes and businesses here. This creates wealth in our communities, and wealth creation is an important part of growing our county

For potential business startups, our regulatory atmosphere can be daunting. I will foster a positive attitude toward business development, providing our youth with better opportunities for productive careers.

Believe it or not, this used to be a controversial position to take. Before the Great Recession, the building / real estate complex frowned on anyone promoting Calaveras tourism because it might naturally lead to a greater concern and support for environmentalism. Those scenic vistas that draw the tourists were meant to be subdivisions, and any talk about tourism just undermined the idea that all we should do is keep building houses anywhere, anytime, no matter what. This was the road to prosperity, or at least lucrative political campaign contributions back then. My, how times have changed.

Anyway, elsewhere in a fuller description of this item, Langan tells us that the prosperity we desire is attainable if we put a link on the Visitor's Bureau Website. This link would "encourage all entrepreneurs visiting Calaveras to consider moving their business to our great County." I told you he would make you smile.

Issue Five

Improving Our Infrastructure Will Also Take Precedence With My Election

Infrastructure projects are critical for our safety and potential growth. Creating safe communities requires safe roads, bridges, and planned transportation and preparedness programs.

Increasing our water storage capacity and water delivery systems is also important to our future. Today Calaveras delivers 9% of California's drinking water, this valuable resource can be better managed and monetized for the benefit of our county.

High-band width and cellular delivery systems are critical to safe communities and the growth of our county. These projects need to be encouraged, planned and prioritized.

If it wasn't for the part about "monetizing" the County's water resources, this section would be nearly as vapid as Oliveira's policy text.

Because Langan has big ideas for monetizing the County's water resources, and he has more to say about the topic in a separate statement:

First, he reminds us that residents of Alaska get a hefty check every year (well, they used to) as part of the general agreement that allowed the Alaska Pipeline and the development of the North Slope, suggesting, perhaps, that Calaveras residents could get a similar check by selling Calaveras water. Our smiles just keep getting bigger..

He quotes figures – millions and millions of dollars in County revenue Seventy-eight million – even \$162 million if we sell it by the gallon. This, lest you miss the point, is even more than what one year of Measure C taxes brought in from Commercial Marijuana.

There's a problem, of course. It is not his water to sell. Even as a member of the Board of Supervisors, even with 3, 4, or even 5 votes on the Board of Supervisors, it is not their water to sell. The water rights belong to the Calaveras County Water District, and they are notoriously zealous in guarding their

political prerogative to decide what to do with those rights. Others have tried to bully the CCWD Board and, well, it didn't go so well for them. Again, it's hard not to just smile.

But then here's what seems so refreshing about Langan: he is what you might call a progressive right-wing candidate

Because while Langan is trying to run to the right of both Oliveira and Merita on commercial marijuana, and spices his literature up with right-wing catch phrases like "vigilance," the fact is Langan is no cranky, 'get off my lawn' Republican. Langan has ideas. He wants to make things better. Even when he thinks things are fine, like with the County's finances, he wants to make things better by enhancing the County's bond rating, which is of interest to just about nobody.

He wants to give everybody an annual check by selling the County's water a gallon at a time (wait, isn't that, like, socialism?) and, just as radically, wants to add a link to the Visitor's Bureau Website. He mentions that he likes the idea of developing tourism because "we can measure it," also a dangerously progressive concept in government. Even though few – okay none – of his ideas are likely to be quite as practicable or useful as he says, Langan displays a zeal and willingness to consider new ideas not seen in a Calaveras Supervisorial candidate in a long time.

But will his campaign budget give his ideas a chance to percolate and benefit his campaign?

Around the Far Turn: the Horse Race

If this *was* a horse race, the candidates would be rounding the "far turn" and beginning the straight shot to the finish line – the home stretch.

According to Free Tri-Tip Dinner's unscientific experiment in human neural networking - the Skull Survey - Oliveira and Merita were virtually even on March 11th with about 44% of the vote each (if the election were held that day). Now, as of May 14, ten weeks later, the Survey shows Merita with a discernible advantage over Oliveira of something over five points. Langan has improved slightly but can hardly be said to be closing the gap so far:

Callaway	45.6
Langan	14.5
Oliveira	39.9

But what if these results are totally wrong? And, specifically, in which direction are they more likely to be wrong? Let's establish a totally arbitrary 5-point boundary around each estimate (please note this is *not* a statistically derived 'margin of error').

That is, just by how we all feel, just for instance, is Merita more likely to be at 40 or at 50? As with Oliveira: is he more likely to be at 45 or could he be possibly at 35? And the same goes for Langan.

If no candidate receives more than 50% of the vote, the top two finishers face off in the General Election in November.

Merita: Going down the home stretch, Merita has apparently led for most of the race. The political value of her name recognition, for a challenger, is beyond political measurement. Yes, she has had a

few hard weeks due to illness, and she had a weak final debate. But the momentum of her effort, and her outstanding campaign organization, is dominating the election.

Prediction: If the Skull Survey is wrong about Merita, it is more likely to be underestimating her vote than overestimating. Could Merita get to the 50% mark and avoid a run-off? It looks quite possible.

Oliveira: Going down the stretch, Oliveira is going to the whip. He is spending on advertising. If he has the resources, he needs to mail. Oliveira has seemed intent on sticking to a conventional narrative and relying on the power of his incumbency. He has taken pains to be seen with the Sheriff (himself a candidate for re-election), and it has been remarked that he seems to have taken an interest in the candidacy of Tim Meutterties, running to un-seat Leslie Davis as Assessor.

Perhaps he is husbanding his resources with a view to November, but this runs the risk of there not being an election in November. Nevertheless, he is still the odds on favorite to face Merita in November -- if anybody does.

Prediction: Oliveira is more likely to underperform the Skull Survey estimate *unless* he mails the district with a tighter, more focused, and compelling narrative.

Langan: As of April 20, the Ed Langan Campaign committee had reported a few thousands in monetary contributions in the forms of loans by the candidate.

As of that date anyway, he did not have enough cash on hand to deliver his message, as innovative, progressively conservative, and refreshing as it might be. This means Mr. Langan, at some point between April 20 and today, has had to decide whether to put more of his own money, or somebody else's, into his campaign.

It is easy to see how tempting it must be – with Oliveira floundering -- to go for it, given how anxious he also must be to give his refreshing, innovative, blah, blah, narrative a real chance. If he does, can he overtake Oliveira?

Prediction: If Langan's next campaign finance form shows he has spent real money on direct mail ... he probably will ... still fall short of catching Oliveira. But, just maybe If Langan mails effectively and Oliveira doesn't mail at all, it could be a race for second place and, just maybe, another shot at Merita. Unfortunately, at this point, this scenario probably has at least one too many "maybes."

Conclusion

Merita has run a brilliant campaign, finally. If, contrary to all indication, the voters still fail to embrace her candidacy, she will at least know that she did all she could.

What is more likely is that the Queen of Calaveras politics will return and take her rightful – and this time fully earned -- place on the Board of Supervisors.

Oliveira, should he find himself in a run-off with Merita, will have to raise substantially more money and upgrade all phases of his campaign if he hopes to retain his seat.

And for Langan, what was he thinking? Did he think he was going to beat Oliveira and / or Merita with a website and a provocative narrative? If he hasn't raised and spent thousands of dollars on advertising and direct mail in these last weeks, his candidacy was never serious. Too bad. *

*Full Disclosure: a November match-up between Langan & Merita is a dream come true for Free Tri-Tip Dinner.